

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Part 31**

[FAC 90-25; FAR Case 94-750]

**Federal Acquisition Regulation;
Technical Correction**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical correction.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing a correction to Federal Acquisition Circular 90-25. Text was omitted from 31.205-13(b)(4) which appeared in FAR case 94-750—Entertainment, Gift, and Recreation Costs for Contractor Employees. At 60 FR 3315, January 13, 1995, third column, paragraph 4, in the sixth line from the bottom of the paragraph insert “or prices or rates higher than those charged by Commercial” following “prices.”

DATES: *Effective Date:* January 13, 1995.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before March 14, 1995, to be considered in the formulation of a final rule.

ADDRESSES: All interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Sts. NW., Room 4035, Attn: Ms. Beverly Fayson, Washington, DC 20405.

Please cite FAC 90-25, FAR case 94-750 in all correspondence related to this interim rule.

FOR FURTHER INFORMATION CONTACT: Mr. Clarence M. Belton, Team Leader, Cost Principles Team, at (703) 602-2357, in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-25, FAR case 94-750.

Correction

The corrected third sentence of paragraph (b)(4) of section 31.205-13 should read as follows:

31.205-13 Employee morale, health, welfare, food service, and dormitory costs and credits.

* * * * *

(b) * * *

(4) * * * A loss may be allowed, however, to the extent that the contractor can demonstrate that unusual circumstances exist (e.g., (i) where the contractor must provide food or dormitory services at remote locations where adequate commercial facilities are not reasonably available, or (ii) where charged but unproductive labor costs would be excessive but for the services provided or where cessation or reduction of food or dormitory operations will not otherwise yield net cost savings) such that even with efficient management, operating the services on a break-even basis would require charging inordinately high prices, or prices or rates higher than those charged by commercial establishments offering the same services in the same geographical areas.

* * *

Dated: February 1, 1995.

Edward C. Loeb,

*Deputy Project Manager for the
Implementation of the Federal Acquisition
Streamlining Act of 1974.*

[FR Doc. 95-2875 Filed 2-6-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****49 CFR Part 192**

[Docket No. PS-126; Notice 3]

RIN 2137-AB71

**Passage of Instrumented Internal
Inspection Devices; Limited
Suspension of Compliance Dates**

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Limited Suspension of Enforcement for compliance with final rule.

SUMMARY: By final rule published April 12, 1994, RSPA required that new and replaced pipeline facilities be constructed to accommodate inspection by instrumented internal inspection devices commonly known as “smart pigs.” Two petitioners requested reconsideration of that rule as it applies to gas pipelines and a stay of the compliance date. In response to these petitions, RSPA issued a Notice of Proposed Rulemaking (NPRM) proposing to modify the rule and extend the compliance dates with respect to certain gas transmission lines. Because of the need to evaluate the numerous comments to proposals in the NPRM,

RSPA is unable to complete rulemaking action on that notice by the proposed compliance date with respect to gas transmission lines in less populated areas. This document announces a suspension of enforcement for compliance with the final rule requirements for certain gas transmission lines.

EFFECTIVE DATE: January 30, 1995.

FOR FURTHER INFORMATION CONTACT:

Albert C. Garnett, (202) 366-2036, Office of Pipeline Safety, regarding the subject matter of this notice, or Dockets Unit, (202) 366-5046 for copies of this notice or other materials in the docket.

SUPPLEMENTARY INFORMATION: On April 12, 1994, RSPA published a Final Rule “Passage of Internal Inspection Devices” (59 FR 17275) that required certain new and existing pipelines on which replacements are made to accommodate the passage of smart pigs. On May 4, 1994, the Interstate Natural Gas Association of America (INGAA) filed a “Request for a Stay of the Effective Date [May 12, 1994] of the Final Rule; Passage of Instrumented Internal Inspection Devices.” Also, on May 10, 1994, INGAA filed a “Petition of Reconsideration of the Final Rule; Passage of Instrumented Internal Inspection Devices.” Additionally, on May 10, 1994, the American Gas Association (AGA) filed a “Request for Administrative Stay of the May 12, 1994 effective date and Petition for Reconsideration of RSPA’s Final Rule on Passage of Instrumented Internal Inspection Devices.”

On May 12, 1994, RSPA advised INGAA, AGA and the American Petroleum Institute that, until further notice, it would not enforce the requirement that gas and liquid operators remove all obstructions in the “line section” that prevent the passage of smart pigs whenever, the line pipe, valve, fitting or other line component is replaced. However, RSPA stated that the suspension did not effect the requirement, effective on May 12, 1994, that operators design and construct certain new onshore and offshore pipelines or the actual line pipe, valve, fitting or other component replaced to accommodate smart pigs.

On September 30, 1994, RSPA published an NPRM (Notice 2) “Passage of Instrumented Internal Inspection Devices” (59 FR 49896) that responded to the requests and petitions from the two gas pipeline associations. In Notice 2, RSPA: (1) Stated that its May 12, 1994, suspension (above) of enforcement with respect to hazardous liquid and carbon dioxide pipelines was lifted effective September 30, 1994, and

compliance would be enforced; (2) proposed exceptions to the line section modification requirement with respect to certain gas transmission lines in Class 1 and 2 locations; (3) proposed exceptions with respect to all but certain new offshore gas transmission lines; and (4) proposed that an operator replacing line pipe, valve, fitting, or other line component in a gas transmission line in a Class 1 or 2 location would not need to comply with the requirement to modify the line section until February 2, 1995.

There has been extensive comment as well as a formal recommendation by the Technical Pipeline Safety Standards Committee to reconsider the proposals in Notice 2 (above). However, commenters did not object to delaying enforcement of the requirement to modify line sections in gas transmission lines; instead several commenters urged continuation of the stay of enforcement until after completion of the rulemaking proceedings. Thus, in order to evaluate fully these comments, RSPA has decided to continue a limited stay of enforcement for compliance with the final rule with respect to modification of line sections in onshore gas transmission lines; and with respect to new and existing offshore gas transmission lines. This suspension of enforcement will remain in effect until RSPA completes the evaluation of the comments to Notice 2 and sets out the determination with respect to those comments and establishes new compliance dates in a subsequent rulemaking.

Pipeline operators are cautioned that the requirements of the April 12, 1994, final rule for design and construction to accommodate the passage of smart pigs will be enforced for: Hazardous liquid and carbon dioxide pipelines; new onshore gas transmission lines; and the actual replaced line pipe, valve, fitting, or other line component in onshore gas transmission lines.

(49 U.S.C. 60102 et seq.; 49 CFR 1.53)

Issued in Washington, DC on January 30, 1995.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.
[FR Doc. 95-2955 Filed 2-6-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 950201032-5032-01; I.D. 011095C]

RIN 0648-AH25

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Additional King Mackerel Quota

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule.

SUMMARY: NMFS publishes this emergency interim rule to add to the commercial quota for the hook-and-line fishery in the Florida west coast sub-zone of the Gulf migratory group of king mackerel, reopen that fishery under the additional quota, and implement a vessel possession limit of 125 king mackerel per trip during the period that the fishery remains open. This rule responds to an economic and social emergency in the commercial fishery for Gulf group king mackerel off the southwest coast of Florida caused by the unforeseen harvest of most of the quota by the fishery off Florida's northwest coast.

EFFECTIVE DATE: February 1, 1995 through May 8, 1995.

ADDRESSES: Copies of documents supporting this action, including an environmental assessment, may be obtained from Mark F. Godcharles, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Copies of a minority report from the Gulf of Mexico Fishery Management Council are also available from this address.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic resources (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and is implemented through regulations at 50 CFR part 642 under the authority of the Magnuson Fishery

Conservation and Management Act (Magnuson Act).

The 1994-95 fishing year quota for the commercial hook-and-line fishery for Gulf group king mackerel in the Florida west coast sub-zone was reached and the fishery was closed on December 20, 1994 (59 FR 66276, December 23, 1994). Landings estimates for the west coast sub-zone show disproportionate catches between Florida's northwest and southwest coast fisheries. Most of the 432,500-lb (196,179-kg) west coast sub-zone quota was taken off northwest Florida before the traditional and principal fishery in southwest Florida could take its usual catch. The unusually high northwest Florida king mackerel landings this fishing year represent an almost fourfold increase in production over last year (about 400,000 lbs (181,437 kg) compared to last year's 100,000-lb (45,359 kg) catch), and are attributable to increased fishing effort. Fleet size of major harvesters doubled from 21 to 51 vessels since last fishing year, and uncommon fall weather provided favorable fishing conditions in the northeastern Gulf of Mexico through mid-December 1994. Prolonged warm fall weather also was responsible for a delay in the timing of the usual migration of king mackerel from the northeastern Gulf to overwintering grounds off southwest Florida.

The significantly reduced catch caused by the unforeseen harvest of most of the quota by the fishery off Florida's northwest coast has created a social and economic emergency. Accordingly, the Gulf of Mexico Fishery Management Council (Council) requested that NMFS implement an emergency interim rule to add 300,000 lbs (136,078 kg) to the commercial quota and reopen the commercial hook-and-line king mackerel fishery in the Florida west coast sub-zone, which encompasses that part of the exclusive economic zone (EEZ) from the Alabama/Florida boundary (87°31'06" W. long.) to the Dade/Monroe County, FL, boundary (25°20.4' N. lat.). The commercial hook-and-line fishery will remain open during the period of this emergency or until the date NMFS determines that the revised quota of 732,500 lb (332,256 kg) has been reached or is projected to be reached, whichever comes first. Harvests of king mackerel from the open area are limited to 125 fish per vessel per trip.

The Council and NMFS have concluded that the present fishery situation constitutes a social and economic emergency that is properly addressed by this emergency interim rule. The emergency situation: (1) Results from recent, unforeseen events;